GAHC010213932026

2026:GAU-AS:14810

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2993/2026

SRI PARESH BAISHYA
S/O NOGEN BAISHYA,
R/O-VILL- DHARBAM,P.S.- KHETRI,
DIST- KAMRUP (M), ASSAM

2: SAINBORLANG MAKRI
S/O - LATE PLASTER SYNGKLI

R/O VILL-MAWTNUMPS NONGPHO
DIST- RI-BHOI
MEGHALAYA

3: SHAMBOR NONGKLING
S/O - LATE N. NONGKLING

R/O VILL-MAWTNUM

P/S-NONGPHO

DIST- RI-BHOI
MEGHALAY

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P, ASSAM

Advocate for the Petitioner : MR. T CHUTIA, MS S NASRAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.10.2026

Heard Mr. T. Chutia, learned counsel for the accused and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 483 of the BNSS, 2023, is preferred by the accused persons, namely, **(i) Paresh Baishya; (ii) Sainborlang Makri and (iii) Shambor Nongkling**, who have been languishing in jail hajot since 11.09.2026, in connection with Khetri P.S. Case No. 103/2026, registered under Sections 303(2)/317(2) of the BNS, 2023, read with Section 11(1)(a)(d)(e)(h) of the Prevention of Cruelty to Animal Act, 1960, read with Section 13(1) of the Assam Cattle Preservation Act, 2011, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Prasanta Buragohain, Head Constable of Khetri Police Station, on 11.09.2026.

4. The essence of allegation in the FIR dated 11.09.2026, is that acting on a tipoff, the informant and staff have conducted search in two pickup vans, bearing Registration Nos. AS-01-LC-1734 and ML-10-D-0409, which were parked at Tegheria Hills, on the Tegheria-Morigaon road, with 9 (nine) and 5 (five) Nos. of cattle. When asked, the driver and the owner of the aforesaid vehicles could not produce any valid documents. And accordingly, five numbers of people were arrested and the cattle and the vehicle were seized, and a sum of Rs. 91,520/- was recovered from their possession.

5. Mr. Chutia, learned counsel for the accused submits that the accused persons were arrested on 11.09.2026, and since then, they have been languishing in jail hajot for the last 26 days, and that in the interest of investigation, their further custodial detention may not be warranted and therefore, he has contended to allow this petition.

6. Per contra, Mr. Sarma, learned APP, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and that investigation is going on and therefore, he has contended to dismiss this petition.

7. Having heard the submission of the learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also gone through case diary with the assistance of Mr. Sarma, learned APP.

8. Case diary indicates that the I.O. has collected some materials against the accused persons. But, it also appears that the accused have been languishing in jail hajot for the last 26 days, since 11.09.2026.

9. It further appears that the I.O. has achieved substantial progress in the investigation, and two of the accused persons have already been enlarged on bail, by the learned Additional Sessions Judge No. 2, Kamrup (M), Guwahati.

10. Accordingly, taking note of the aforesaid facts and circumstances, especially, the progress of the investigation and the period of detention of the accused in jail hajot, this Court is of the view that further custodial detention of

the accused persons may not be warranted in the interest of investigation. And accordingly, this Court is inclined to allow this petition.

11. It is provided that on furnishing a bond of Rs. 20,000/- each, with one surety each of the like amount, to the satisfaction of the learned Eleka Magistrate, Kamrup (M), Guwahati, the accused persons shall be enlarged on bail.

12. In terms of the above, this Bail Application stands disposed of.

13. Case diary be returned.

JUDGE

Comparing Assistant